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FILED
FEB 27 2008
Feb 27 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Plaintiff(s))	JUDGE COAR
Diane M. Dillon Phillips)	
VS.)	Case No. 07 C 6461
Defendant(s))	
Thresholds Psychiatric Rehabilitation Centers)	

MOTION TO RECONSIDER IN FORMA PAUPERIS APPLICATION DENIAL

- 1) Now comes plaintiff, Diane M. Dillon Phillips who filed an in forma pauperis application and financial affidavit with the Office of the Clerk of the United States District Court. Officials of the Office of the Clerk of the United States District Court then submitted the thoroughly completed in forma pauperis application and financial affidavit to the Honorable David Coar, Judge in the United States District Court for the Northern District of Illinois on or about November 12, 2007 due to impecunious status.
- 2) On or about January 10, 2008, the in forma pauperis application and financial application was granted by the Honorable David Coar, Judge in the United States District Court for the Northern District of Illinois and a status hearing was set for February 27, 2008. However, on or about February 21, 2008, correspondence was sent via the United States Postal Service by the Office of the Clerk of the United States District Court to the home of Paul and Diane Phillips (2138 West 114th Place Chicago, Illinois 60643). The letter was actually an order from the Honorable David H. Coar, Judge in the United States District Court for the Northern District of Illinois stating in part: "...the Plaintiff's Application to

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Proceed In forma Pauperis is vacated...the Plaintiff's Motion for Appointment of Counsel is denied."

- 3) Despite the ruling of this great tribunal, I Diane M. Dillon Phillips humbly submit that due to dyer financial circumstances beyond our control, the court should recognize that my husband and I are truly destitute. In an attempt to persuade this court to examine the facts associated with my MOTION FOR RECONSIDERATION OF IN FORMA PAUPERIS DENIAL, I have prepared the following detailed narrative with pertinent documentation for a ruling before the Honorable David Coar, Judge in the United States District Court for the Northern District of Illinois.

On November 11, 1972, I married Mr. Paul E. Phillips in the City of Chicago, the County of Cook in the great State of Illinois. Two years after we were married, I returned to the work force without any further interruptions. After over thirty-five years of consistent employment in private industry and government, on April 23, 2007, I was terminated without cause from the Threshold Psychiatric Rehabilitation Centers. I applied for unemployment benefits but my claim was denied. Consequently, since June 2007, my only income has been a partial pension annuity from the Illinois State Retirement System in the amount of \$1,892.88 per month. A copy of my pension annuity award letter is included in Attachment I of this motion. Furthermore, my husband of thirty-five years, Mr. Paul E. Phillips, is the only wage earner in our family and he is employed for the Chicago Police Department as a twenty-five year veteran Chicago Police Officer. For the federal tax year ending December 31, 2007, Mr. Paul E. Phillips' net annual salary was only \$58, 940.49. In an attempt to clearly document our dyer financial situation, a copy of my husband's last pay stub for 2007 is also contained in Attachment I of this motion.

To make matters worst, it is critical to mention that Mr. Paul E. Phillips suffers from severe, debilitating and life threatening medical problems which includes hypertension, diabetes, gout, arthritis, peripheral arterial disease, sleep apnea and a skin disorder. Even though it is extremely difficult for Mr. Paul E. Phillips to work, he is compelled to work or we would certainly become homeless, suffer starvation or surrender to untreated medical problems and die. Furthermore, the Chicago Police Department has openly expressed disdain about my husband's insurmountable medical problems because they view Chicago Police Officers who

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are medically disabled as a gigantic fiscal liability because the priority for the City of Chicago is to authorize funds for employees who directly protect its citizen from the evil doers. Reluctantly, Mr. Paul E. Phillips' employer has allowed him to remain on the job temporarily but he has been officially placed on "limited duty". If any of his chronic medical problems worsen, he will most definitely be terminated.

Prior to my husband becoming disabled and my unplanned termination from a clinically rewarding executive position, coupled with an inordinate amount of futile attempts at becoming gainfully employed, we functioned as most normal middle income American families, we purchased goods and services congruent to our mediocre life style. Accordingly, we incurred insurmountable debt. Included in Attachment II of this motion is our "LIST OF CREDITORS/ MONTHLY AMOUNT DUE/ DELINQUENT AMOUNT OWED/ TOTAL TO DATE BALANCE FOR PAUL AND DIANE PHILLIPS AS OF DECEMBER 2007" which clearly illustrates that our family income does not meet our expenses, thereby making it virtually impossible to make ends meet. For instance, our home is slated for "foreclosure" because we are two months behind in our monthly mortgage payments to the American General Finance Company. Additionally, all of our credit cards are at the maximum limit and our purchasing privileges on credit have been revoked. Also, the People's Gas Company disconnected our gas service for over a year because we simply could not pay the monthly bill. Finally, on or about December 1, 2007, our heating gas service was reconnected after we borrowed money from the Pay Day Loan Store at an interest rate of 400% to pay the minimum restoration fee of \$500. This form of fiscal management has become common place in our household because our credit score is "481" which guarantees that to borrow money, you must resort to using sub-prime lenders simply to survive. Included in Attachment III of this motion is our Bureau Credit Report for your edification.

It is also important to mention that we have only one biological child, Winona C. Phillips Harris, who just became a divorced mother of two minor children. On or about September 5, 1995, Winona married Mr. Chauncey D. Harris in Jefferson City, Missouri but due to his alcoholism, domestic violence, infidelity, unhealthy and life threatening sexual relationships with individuals of ill repute who have untreated communicable diseases, he filed for divorce from Winona at the beginning of 2006. On or about April 27, 2007, the Missouri state court granted his request to sever his life-long commitment to financially and emotionally care for our spiritually sound, yet emotionally distraught daughter. Through out the legal separation process and

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ultimate divorce, it was interesting to learn that the Missouri state court applauded Mr. Chauncey D. Harris for his premeditated, dangerous and life threatening behavior during their marriage.

Furthermore, the Missouri state court showed only a tiny bit of sympathy for Winona in her quest to rebuild her life after living for over fourteen years with an emotionally and physically abusive husband. In fact, Winona's divorce attorney actually told us that in order to convey just an adequate legal defense to the Missouri state court on behalf of Winona, we would need to pay him a \$30,000 retainer. In the absence of money, we were only able to procure a less than adequate legal defense for Winona. As a result, Mr. Chauncey D. Harris who has infinite resources, was successful through his Jefferson City Corporation Counsel Attorney in convincing the Missouri state court to financially destroyed Winona. For instance, Mr. Chauncey D. Harris was ordered to pay all outstanding debts incurred during the marriage, and monthly child support payments. However, despite the clearly stated stipulations of their divorce decree, today Mr. Chauncey D. Harris is over \$20,000 in arrears in paying child support for their two sons and he has refused to pay delinquent federal and state taxes and other personal loans secured during the marriage. Instead and with the sanction of the authorities, he has used his unlimited resources to remain steadfast on ensuring that Winona continues to be indigent, dependent, submissive and suicidal. Needless to say, Winona's financial and emotional situation pains us greatly. Moreover, we are virtually powerless to strategically begin to fight Mr. Chauncey D. Harris just to save our daughter's life and eradicate her bleak financial situation because we are destitute. However, we have prayed to our God and employed supreme personal sacrifice just to help ameliorate Winona's financial circumstances. Specifically, we have been giving our daughter about \$500 per month since 2005 when her marriage to Mr. Chauncey D. Harris ended.

In conclusion, during these financially difficult times, the hope that we keep in our hearts and pray to our God is that one day our quality of life, specifically our finances, will improve. In the mean time, it is with the utmost respect and admiration for the wisdom and compassion of this great tribunal that I humbly request that you reconsider my in forma pauperis application because my husband and I are truly impecunious.

Respectfully Submitted By: Diane M. Dillon Phillips February 27, 2008



2/27/08

ATTACHMENT I

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CITY OF CHICAGO

Deposit Date 16-DEC-2007

PAYROLL NUMBER 1180
 PAYEE/EMPLOYEE NUMBER 37135
 MAIN07

PAUL E. PHILLIPS
 2138 W 114TH PL
 Chicago IL 60643

VOIDVOID***VOID***VOID***VOID***VOID***VOID***
 VOIDVOID***VOID***VOID***VOID***VOID***VOID***VOID***
 *** NON - NEGOTIABLE *** DIRECT DEPOSIT ***
 VOIDVOID***VOID***VOID***VOID***VOID***VOID***VOID***
 VOIDVOID***VOID***VOID***VOID***VOID***VOID***VOID***

THIS IS A STATEMENT OF YOUR EARNINGS AND PAYROLL DEDUCTIONS PLEASE DETACH AND RETAIN.

Mayor Daley's Holiday Sports Festival at McCormick
 Pl. Giant slides, chess, B-ball, yoga & more! Call
 312-7443315 or www.chicagholidaysportsfestival.us

SEQ NO. 2241133
 PAY01-057-1180-00-167-0000

City of Chicago Department of Finance					Deposit Number 2241133
					Deposit Date 16-DEC-2007
Employee ID	Employee Name	Payroll Date	Payroll Date	Payroll Date	Deposit Amount
37135	PAUL E. PHILLIPS 1 Single 0	9161	15-DEC-2007	16-DEC-2007	\$108.01
Description	Date	Hours	Gross	Less Before-Tax Deductions	Net Amount
Regular Salary			76,392.75	HEALTH INSURANCE	1,513.88
HOLIDAY PREM	37.50	4.00	1,320.62	POLIC PENSION	7,138.13
PERSONAL DAY BUY BA			1,168.40		
BFD BUY BACK			1,749.50		
DUTY AVAILABILITY			2,920.00		
UNIFORM ALLOWANCE			1,800.00		
TOTAL PAYROLL DEDUCTIONS					
CHARITY					72.00
Federal Tax					14,304.81
IL State Tax					2,300.96
POLICE INSURANCE					30.00
UNION DUES					449.50
UNIVERSAL LIFE					600.00
NET AMOUNT DISTRIBUTION					
Type	Amount	Gross			
Checking Account	108.01				
Savings Account		Less Before-Tax Deductions			
Check Amount		108.01			
Total	\$108.01	Taxable Gross			
		Less After-Tax Deductions			
		42.00			
		Net Amount			
		\$108.01			\$58,940.49

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**STATE
RETIREMENT
SYSTEMS**

- State Employees' Retirement System of Illinois
- General Assembly Retirement System
- Judges' Retirement System of Illinois

Internet: <http://www.state.il.us/srs>E-Mail: srs@mail.state.il.us

2101 South Veterans Parkway, P.O. Box 19255, Springfield, IL 62794-9255

April 5, 2007

State
Employees'
Retirement
System
of Illinois
(217)785-7444

TTY
(217)785-7211

Accounting
(217)785-7202

Admin. Services
(217)785-8971

Claims:
Claim Fax
(217)524-3294

Careers
(217)785-7206

Disabilities
(217)785-7215

Group Insurance
(217)785-7100

Pensions
(217)785-7343

Vouchers
(217)785-7204

Data Processing
(217)785-8987

Exec. Office
(217)785-7814

Exec. Office Fax
(217)567-3042

Gen. Info. Fax
(217)524-7810

Field Services
(217)524-8775

Service &
Refunds
Fax
(217)785-8984

Refunds
(217)785-7107

Service
(217)785-7107

Chicago Office
(312)514-2100

Chicago Fax
(312)514-2100

Judges'
Retirement
System of
Illinois
(217)782-8500

General
Assembly
Retirement
System
(217)782-8540

DIANE M PHILLIPS
2138 W 114TH PL
CHICAGO, IL 60643

SS#: 351-42-6176
Estimate #: 1

We have calculated your pension estimate based upon our records and information provided by you in your recent request.

General Information:

Date of Retirement: May 01, 2007
Date of Termination: October 31, 2004
Age at Retirement: 55 years 00 mo

Date of Birth: April 03, 1952
Current Salary Rate: \$6,673.00 per month
Service Credit as of 10/04: 331.50 mo.

Service Credit Through October 31, 2004

SERS: 331.50 mo.

Total 331.50 mo.

Final Average Compensation:

\$5,861.48 per month for period October 1, 2000 thru September 30, 2004

Monthly Retirement Annuity:

\$1,892.88**

**This benefit is reduced 1/2 of 1% for each month you are under age 60.

If you have not already done so, you should request a pension packet 30 days prior to retirement.



ATTACHMENT II

LIST OF CREDITORS/ MONTHLY AMOUNT DUE/ DELINQUENT
AMOUNT OWED/ TOTAL TO DATE BALANCE
FOR PAUL AND DIANE PHILLIPS AS OF DECEMBER 31, 2007

<u>NAME OF CREDITOR</u>	<u>MONTHLY AMOUNT DUE</u>	<u>DELINQUENT AMOUNT OWED</u>	<u>TOTAL TO DATE BALANCE</u>
American General Finance	\$ 2,094.84	\$ 6,885.13	\$ 272,501.80
Property Taxes	\$ ---	\$ 1,000.00	\$ 2,000.00 (annual)
Home Improvement	\$ 1,000.00	\$ 9,000.00	\$ 12,000.00 (annual)
New York State Higher Ed.	\$ 600.00	\$ 5,000.00	\$ 88,000.00
HFC (personal loan)	\$ 200.00	\$ 758.80	\$ 7,472.04
VISA (credit card)	\$ 300.00	\$ 253.58	\$ 6,070.58
AmeriCredit (car loan)	\$ 622.93	\$ ---	\$ 29,412.76
Drive Financial (car loan)	\$ 901.00	\$ 1,802.00	\$ 40,000.00
Farmers Insurance (cars)	\$ 950.00	\$ 2,710.00	\$ 11,400.00 (annual)
Maintenance and Repair (cars)	\$ 200.00	\$ 400.00	\$ 2,400.00 (annual)
State Farm Insurance (home)	\$ 250.00	\$ 1,000.00	\$ 2,400.00 (annual)
ACN (former telephone server)	\$ 128.98	\$ 329.54	\$ 329.54
A T & T (new telephone server)	\$ 150.00	\$ 300.00	\$ 1,000.00
Common Wealth Edison (electric)	\$ 153.27	\$ 596.27	\$ 596.27
City of Chicago Water Department	\$ 375.50	\$ 357.50	\$ 357.50
Peoples Gas (cooking gas and heat)	\$ 800.00	\$ 2,000.00	\$ 3,500.00
HSBC (credit card #1)	\$ 45.00	\$ 92.42	\$ 2,500.00
HSBC (credit card #2)	\$ 56.00	\$ 560.00	\$ 2,500.00
Sears (revolving credit card)	\$ 75.00	\$ 150.00	\$ 600.00
Ashley Stewart (clothing credit card)	\$ 50.00	\$ 225.58	\$ 225.58
Capital One (credit card #1)	\$ 465.45	\$ 465.45	\$ 1,465.45
Capital One (credit card # 2)	\$ 280.14	\$ 780.14	\$ 850.00
Shell (car fuel credit card)	\$ 175.00	\$ 1,076.69	\$ 1,076.69
J. C. Penny (revolving credit card)	\$ 63.00	\$ 63.00	\$ 354.00
Sprint (cellular telephone service)	\$ 150.00	\$ 1,000.00	\$ 2,050.00
WOW (internet and cable server)	\$ 150.00	\$ 300.00	\$ 1,000.00
Prescription Drugs (co-pay)	\$ 200.00	\$ 1,000.00	\$ 4,000.00
Physician and Hospital Visits	\$ 150.00	\$ 5,000.00	\$ 10,000.00
Food	\$ 500.00	\$ 0.00	\$ 0.00
Clothing	\$ 300.00	\$ 0.00	\$ 0.00
Transportation Cost	\$ 500.00	\$ 0.00	\$ 0.00
Entertainment	\$ 200.00	\$ 0.00	\$ 0.00
Church Mandatory Contributions	\$ 666.00	\$ 5,994.00	\$ 8,000.00 (annual)
Winona C. Phillips Harris (daughter)	\$ 500.00	\$ 0.00	\$ 20,000.00

**AMERICAN
GENERAL
FINANCIAL SERVICES**

American General Financial Services
Legal Office
20 N. Clark St., Ste. 2600
Chicago, IL 60602-5002
312.263.0794
312.263.3589 Fax

February 8, 2008

Paul and Diane Phillips
2138 W. 114th Place
Chicago, Illinois 60643

Re: American General Financial Services of
Illinois, Inc.
Balance Due: \$267,689.84
PAST DUE: \$4,755.51

Dear Mr. & Mrs. Phillips:

We have been instructed to initiate all necessary action in the enforcement of this claim, which may include commencement of a foreclosure lawsuit. However, we are writing to give you an opportunity to pay the past due amount and avoid the costs that might be attendant thereto.

**NOTICE PURSUANT TO THE FAIR DEBT
'COLLECTION PRACTICES ACT (FDCP ACT) (15 USCA 1692)**

We will assume this debt to be valid unless you dispute the validity of all or any part of it within 30 days of receipt of this letter. If you notify us in writing that you dispute all or a portion of the debt, we will obtain and send to you verification of the debt or a copy of the debt or a copy of the judgment against you.

It is important that payment be made immediately to the ACF branch office or that they be advised when it may be expected in order to stop the progression of this claim. Their address is 11844 S. WESTERN, CHICAGO, ILLINOIS 60643 and their phone number is 773-445-2800.

The Federal Trade Commission has ruled that the FDCP Act does not preclude the institution of legal action prior to the expiration of the thirty- (30) day period.



A Member of American International Group, Inc.

**AMERICAN
GENERAL
FINANCIAL SERVICES**

American General Financial Services
Legal Office
20 N. Clark St., Ste. 2600
Chicago, IL 60602-5002
312.263.0794
312.263.3589 Fax

AMERICAN GENERAL FINANCE, INC.

Louis A. Weinstein

BY:

Staff Attorney

Louis A. Weinstein

This letter is an attempt to collect a debt and any information obtained may be used for that purpose.

LAW:ck

cc: 138-23536515

ATTACHMENT III

Identity Theft Shield

P.O. Box 37420 • Oak Park, MI 48237

YOUR 1 BUREAU CREDIT SCORE

Reference #: 5417061-1

Date of Report: 09/26/2007

Name: DIANE M PHILLIPS
Address: 2138 W 114TH PL CHICAGO, IL 60643

DOB: 04/03/1952

PERSONAL CREDIT SCORE

Your credit score is based on information from your **1 Bureau (Experian)** credit report. The higher your score is, the better chance you have of getting the credit you apply for.

Your credit score from your Experian credit report is **481** on a scale of 150-930

ABOUT YOUR CREDIT SCORE

What is a credit score?

A credit score summarizes your entire credit report information into one number. This number is calculated by a mathematical equation that evaluates many types of information from your credit report at that particular credit reporting agency. By comparing this information to the patterns in thousands of past credit reports, scoring identifies your level of credit risk. Your score tells a lender how likely you are to repay a loan, or make credit payments on time. The higher your score is, the better chance you have of getting the credit you apply for.

How is it used?

Credit scores are one of the main tools creditors, employers, insurance and finance companies rely on to determine your creditworthiness. Your score is a quick snapshot that is often used when credit decisions are made quickly. Creditors may also obtain your full credit report, to access more detailed information to aide their decision on your level of risk.

How is my credit score calculated?

A credit score summarizes your entire credit report information into one number. This number is calculated by a mathematical equation that evaluates many types of information (score factors) from your credit report at that particular credit reporting agency. There are many types of score factors that can have a positive or negative affect on your score. The factors are listed in order of the degree to which they affect your score negatively, meaning that the factor listed first is what most decreased your score. Some examples of score factors include but are not limited to:

- Too many inquiries (how often you apply for credit)
- Too many serious delinquencies (how timely your account payments are)
- Too many recently opened accounts (how often you have opened new lines of credit recently.)
- Average balance of revolving accounts is too high (what you owe vs. available)
- Too few mortgage accounts (what types of credit do you use)

Credit reporting agencies use many types of credit scores to evaluate risk for different types of credit. Mortgage lenders may use one type of score while auto dealers and credit card issuers would use other types of scores offered by the credit reporting agencies or that they have developed for their own purposes.

Monitoring and improving your credit score

Your credit file is constantly changing every time new information is submitted from creditors. It's important to be proactive and monitor it to improve or maintain your credit score.

To improve your overall credit standing there are several positive steps you can take:

- First, know what's on your 3-Bureau credit report, detailing your credit history from each of the national credit reporting agencies. Monitoring your credit file will help you understand the information behind your credit score.
- Check for inaccuracies on your credit report. Be sure to examine your files from all three bureaus, as the information may not be the same on each one. If you find errors, take steps to dispute the information in order to remove it from your file.
- If you are having difficulty paying your bills, develop a plan now. Make a list of everyone you owe money to and how much you owe. Contact your creditors and discuss payment options. Begin now to catch up with late payments.
- Consolidate bills with a balance transfer to another credit card with a lower interest rate and also eliminate three or four other credit card accounts you currently have.
- Identify ways you can decrease your spending and increase your income. Ask a friend or family member to help you come up with a realistic budget that will help you catch up with late payments.
- Finally, don't use credit cards until you are in a financial position to use them responsibly again.